

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

ORDER DENYING REQUESTS  
FOR WAIVERS

September 1, 1998

HOULTON WATER COMPANY/VAN BUREN  
LIGHT & POWER DISTRICT  
Request for Waiver of Chapter 309  
Bill Unbundling and Illustrative  
Bills

Docket No. 98-647

VAN BUREN LIGHT & POWER DISTRICT  
Request for Extension of  
Effective Date of Unbundled  
Bills to March 1, 1999

Docket No. 98-660

WELCH, Chairman; NUGENT, Commissioner

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On August 18, 1998 Houlton Water Company (in its capacity as a consumer-owned electric utility) and Van Buren Light and Power District requested a waiver of all requirements of Chapter 309 (Bill Unbundling and Illustrative Bills), pending a determination that retail competition will exist in their service territories. Houlton and Van Buren correctly state that the Commission is conducting a "Study of Northern Maine Connections to the New England Grid" in Docket No. 97-586.

The requirement that all electric utilities unbundle their bills is established by statute. 35-A M.R.S.A. § 3213(1). The Commission has no authority to waive a statutory requirement. Section 7 of Chapter 309 (Bill Unbundling and Illustrative Bills) permits the Commission to waive the provisions of the Chapter.

The unbundling requirement is, of course, contained in the Chapter, but the requirement in the rule is merely a restatement of the statutory requirement. Accordingly, we deny the request for waiver of all requirements of Chapter 309.

In the event that its request for a waiver in Docket No. 98-647 is denied, Van Buren, in Docket No. 98-660, has requested in the alternative that the Commission waive the requirement that it provide unbundled bills to customers on January 1, 1999. Van Buren has requested that this date be delayed until March 1, 1999, because it claims that revisions to its billing system will not be finished by January 1, 1999. The requirement that bill unbundling commence on January 1, 1999 is also contained in the

statute. 35-A M.R.S.A. § 3213(1). As discussed above, we do not have authority to waive a statutory requirement, and we must therefore deny Van Buren's alternative for request for waiver.<sup>1</sup>

Dated at Augusta, Maine this 1st day of September, 1998.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR: WELCH  
NUGENT

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<sup>1</sup> Van Buren has been aware of the statutory requirement since the passage of the Electric Industry Restructuring Act in 1997.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.